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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,767	02/06/2004	Jacob W. Mandema	021720-001310US	5592
20350	7590	02/09/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			MILLER, MARINA I	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT
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PAPER
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20060130

DATE MAILED:

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**Commissioner for Patents**

The amendment filed on 11/21/2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly submitted claims 29-49 are directed to an invention that is independent or distinct from the invention originally claimed. Cancelled claim 1 and cancelled dependent claims recite steps different from those recited in new claims 29-49. For example, claim 29 recites distribution of statistics and associated metadata, while claim 1 recited a structure of metadata explicitly reflecting a hierarchical structure of the model and referencing the metadata file to convert raw data files into a binary file. None of the cancelled claims recited a probability distribution of a statistic and associated metadata. Further, the cancelled claims do not recite an "endpoint" and/or an uncertainty in a selected endpoint (new claims 29, 30, and 40). The cancelled claims recite controllable and uncontrollable variables (claims 13, 15-16), while the new claims recite continuous and discrete variable (claim 32-33). The cancelled claims do not recite an output comprising xy-plot and a box plot recited in new claims 32-33.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

The IDS filed 9/23/2005 has been considered in full and the initialed copy of the IDS is attached.

**MARJORIE A. MORAN**  
**PRIMARY EXAMINER**

*Marjorie A. Moran*  
2/2/06